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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,538	12/23/2003	Hans Christian Nygaard	81421-4036	5785
28765	7590	03/31/2005		
WINSTON & STRAWN PATENT DEPARTMENT 1400 L STREET, N.W. WASHINGTON, DC 20005-3502			EXAMINER CHAMBERS, TROY	
			ART UNIT 3641	PAPER NUMBER

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/743,538	Applicant(s) NYGAARD ET AL.
	Examiner Troy Chambers	Art Unit 3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.36(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 February 2005.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 and 10-13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

Notice of References Cited (PTO-892)  
 Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 8 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 02/28/05.
2. Applicant's election with traverse of Species B in the reply filed on 02/28/05 is acknowledged. The traversal is on the ground(s) that since both embodiments utilize pivoting means a search of the prior art would not be complete unless all pivoting mechanisms are reviewed. This is not found persuasive because the Examiner determined that the different species are separate and distinct and, therefore, separable according to restriction practice.

The requirement is still deemed proper and is therefore made FINAL.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the roller or ball bearing mounted on the free end of the pivot arm (claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 4-7, 10, 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 4-7 recite the limitation "the pivoting arm". There is insufficient antecedent basis for this limitation in the claim.
7. Claim 4 recites the limitation "the free end". There is insufficient antecedent basis for this limitation in the claim.

8. Claims 10 and 11 recites the limitation "means for pivoting". There is insufficient antecedent basis for this limitation in the claim.
9. Claim 11 recites the limitation "pneumatic cylinder". There is insufficient antecedent basis for this limitation in the claim.
10. Claim 11 recites the limitation "the solenoid". There is insufficient antecedent basis for this limitation in the claim.
11. Claim 13 recites the limitation "the gun". There is insufficient antecedent basis for this limitation in the claim. In claim 1 the gun is not positively recited and written in "intended use" form. Hence, it is improper for a dependent claim to refer back to "the gun". Applicant must provide proper antecedent basis by positively recited a trigger in combination with a gun in claim 1.
12. **The above list may not be exhaustive. Any other similar occurrences detected by the Examiner in a subsequent Office action will not be grounds for the withdrawal of the finality of said action.**

**Claim Interpretation**

13. The compression spring and gas valve in claim 1 are part of functional phrases and do not appear to be positively recited. Hence, the Examiner interprets these elements as not being part of the claim.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – .

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-6 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4718187 issued to Blake.

16. With respect to claim 1, Blake discloses a trigger 14, comprising:

A ram	63
A pivotable sear	40
First hook of the sear	(beveled face contacting area 64)
Second hook of ram	64
Supporting device	39
Means for driving	50

17. With respect to claim 2, Blake discloses a spring 41 that functions as claimed by the applicant.

18. With respect to claim 3, Blake discloses a supporting device (pivot arm) 39.

19. With respect to claim 4, Blake discloses a pivot arm perpendicular to sear 40 (Figs. 4-6).

20. With respect to claim 5, as the claimed subject matter can best be understood, the sear has a rounded supporting area near pin 45. The rounded area remains stationary so its distance relative to other parts will remain constant.

21. With respect to claim 6, the trigger of Blake is capable of moving the pivot arm 30 through an angle of 5 to 15 degrees.

22. With respect to claim 10, Blake discloses a pneumatic cylinder 50. The Examiner has given no special meaning to the term "pneumatic" since it does not structurally modify the term "cylinder".

23. With respect to claim 11, Blake discloses a solenoid 50 having a cylinder. The device includes a circuit (Fig. 7) that includes a batter 86 and a switch 19.

24. With respect to claim 12, Blake discloses a rifle 10.

***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blake in view of US 4908970 issued to Bell. Blake discloses a trigger assembly as described above. However, Blake does not expressly disclose a pivot arm having a roller or ball bearing at its free end. Bell discloses a supporting device 38 for a sear having a roller 60 at its free end. At the time of the invention, one of ordinary skill in the art would have found it obvious to provide the trigger assembly of Blake with the pivot arm/roller of Bell. The suggestion/motivation for doing so would have been to smooth or rolling connection between the two parts so as to reduce friction and wear.

27. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2594240 issued to Wells in view of Blake. Wells discloses an air gun with a trigger assembly. However, Wells does not disclose the trigger assembly as described in claim

1. Blake discloses such an assembly as described above. At the time of the invention, one of ordinary skill in the art would have found it obvious to provide the airgun of Wells with the trigger assembly of Blake. The suggestion/motivation for doing so would have been to provide the air gun of Wells with an electrically fired trigger.

**Conclusion**

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on form PTO-892 are cited as of interest to show similar trigger mechanisms.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

